

Board of Conservation and Recreation
Monday, April 23, 2012
Chippokes Plantation State Park, Surry, Virginia

Board of Conservation and Recreation Members Present

Mark E. Smith, Chair
Steve L. Apicella
Gwen Mason
David Watts

W. Bruce Wingo, Vice Chair
James W. Beamer
Daniel F. Rinzel
Robert L. Wilkerson

Board of Conservation and Recreation Members Not Present

Alan D. Albert
Andrea Young

Sheryl W. Swinson

DCR Staff Present

David A. Johnson, DCR Director
Lynn Crump
Joe Elton
Mike Fletcher
Danette Poole

Bill Conkle
David C. Dowling
Sharon Ewing
Bill Jacobs

Others Present

Michael Abley
Delegate Rick Morris
Susan Moritz
Linda Morse

Call to Order

Mr. Smith called the meeting to order and declared a quorum present. He called on Bill Jacobs, Park Manager.

Mr. Jacobs welcomed members to Chippokes Plantation State Park. He said that the farm was approaching the 400th anniversary. In 2011 the Park had about 110,000 visitors. The park has seven permanent staff and a staff of 22 in peak season.

Mr. Smith welcomed three new members to the Board; Jim Beamer, Dan Rinzel and Steve Apicella. All three had been appointed since the last meeting. He noted that Mr. Melnyk had resigned and that the Board still had one vacancy.

Approval of Minutes from June 17, 2011 and December 15, 2011

Ms. Mason noted that on the December minutes a sentence at the top of page 2 was incomplete.

MOTION: Mr. Beamer moved that the minutes of the June 17, 2011 and December 15, 2011 meetings of the Board of Conservation and Recreation be approved as amended.

SECOND: Mr. Apicella

DISCUSSION: None

VOTE: Motion carried unanimously

Director's Report

Mr. Johnson gave the Director's report.

Mr. Johnson said that at the beginning of his term, Governor McDonnell established a government reform commission. He said that there was a large effort to look at the elimination of boards and commissions as well as agencies that did not seem to fit an efficient model of government.

Mr. Johnson said that in the first round a number of boards were eliminated. This past session another set of boards and commissions were slated for elimination or merger. He said that three of these actions relate to DCR.

Mr. Johnson said that the Chesapeake Bay Local Assistance Board would be eliminated and duties transferred to the Virginia Soil and Water Conservation Board. He also said that the Scenic River Board and the Chippokes Plantation Farm Foundation Board of Trustees would be folded in to the Board of Conservation and Recreation. He said that the separate Chippokes agency would also be eliminated with responsibilities transferred to the Division of State Parks. He said that these actions would be effective July 1.

Mr. Johnson said that in the development of the budget agencies were asked to suggest ways for the budget to be cut. DCR suggested that park fees could be raised to offset general fund cuts, but the General Assembly did not approve that idea. The concern was that fees would not be competitive with neighboring states.

Ms. Mason asked Mr. Johnson to summarize the organizational changes.

Mr. Johnson said that when he became director a management firm was hired to look at the organizational structure of the agency. Since that time the division of Soil and Water

Conservation and the Division of Chesapeake Bay Local Assistance were merged to form the Division of Stormwater Management. The firm also looked at the possibility of restructuring the central office in the Division of State Parks.

Mr. Elton explained that the restructuring was in part due to the departure of the Division Deputy. Three persons now report directly to Mr. Elton. Those positions are a Chief of Field Operations, a Visitor Experience Position and an Administrative Chief.

Mr. Elton said that previously District Managers lived in the parks and largely worked as manager of their park of residence. Assistant managers have been placed in those parks and District Managers have been moved out of the parks and are better able to serve the parks in their respective districts.

Legislative and Budget Briefing

Mr. Dowling gave the Legislative and Budget Update. A copy of the full report is included as Attachment #1.

Mr. Dowling said that three bills directly affected state parks.

HR240 authorized the transfer of land upstream of James River State Park to Amherst County. HB522 allows for the use of wheelchairs or power driven mobility devices by disabled individuals on the statewide system of trails in compliance with the federal Americans with Disabilities Act. HB1113 authorizes the Department to negotiate an exchange of lands within Biscuit Run State Park for an interest in adjacent property.

Mr. Dowling noted that in terms of government reorganization, the Chippokes Plantation Farm Foundation was merged into Chippokes Plantation State Park and the responsibilities Chippokes Plantation Farm Foundation Board of Trustees was merged into the Board of Conservation and Recreation. Also, the Scenic River Board was eliminated and their responsibilities merged into the Board of Conservation and Recreation. These actions will take effect on July 1, 2012.

State Parks Update

Mr. Elton gave the State Parks update. A full copy of Mr. Elton's presentation is available from DCR.

High Bridge Trail State Park

- High Bridge opened on April 6, 2012 after being converted from an abandoned railroad bridge to a pedestrian, bicycling and equestrian-friendly bridge.
- Site of one of the last battles of the Civil War, the bridge is 2,400 feet long and towers 160 feet above the Appomattox River.
- The final link in connecting 31 miles of linear state park.

- Presentation of colors by Longwood ROTC
- Dignitary speeches
- Presentation of gifts to dignitaries by Friends Group
- Ribbon Cutting
- Music by the band “High Bridge”
- US Postal Service stamp cancellations available for sale
- Gifts of High Bridge picture to all attendees
- Refreshments

Chippokes Farm and Forestry Museum

Historical Background of the Chippokes Plantation Farm Foundation

- 1967- Chippokes Plantation given to the Commonwealth by Mrs. Evelyn Stewart.
- 1970's – The Virginia Agricultural Foundation provided a \$2,500 grant matched by contributions from the agricultural community to develop a model farm at Chippokes Plantation State Park.
- 1977 – The Virginia General Assembly created the Chippokes Plantation Farm Foundation as a quasi state agency with no position or state funding. Board of Trustees are appointed by the Governor. The Executive Secretary, as identified by the Code of Virginia, was the Commissioner of Agriculture and Consumer Services. T. Graham Copeland, Jr. was the Farm Manager.
- 1982 – The sawmill was restored and the sawmill building was constructed.
- 1983 – Financial campaign to raise \$2.1 million began.
- 1985 – Mr. and Mrs. Stoner donated 1,362 antique items.
- 1987 – General Assembly appropriated \$450,000 in matching funds for the antique complex capital outlay.
- Governor's Cabinet reorganized to create a Secretary of Natural Resources. CFFF is moved under new position but the Virginia Department of Agriculture and Consumer Services is not.
- 1988 – The Chippokes Foundation officially moved from the Department of Agriculture and Consumer Services to the Department of Conservation and Recreation and placed under the Division of State Parks.
- Kathy Wright becomes the Executive Secretary.
- 1989 – First official volunteer meeting scheduled to discuss cleaning and restoring the antiques for display in the museum.
- 1990 – renamed the museum complex to the Chippokes Farm and Forestry Museum and held grand opening.
- 1991 – First Annual Chippokes Steam and Gas Engine Show held.
- 1996 – Published the first Calendar of Events for the museum.
- 1999 – Chippokes Farm and Forestry Education Center proposed.
- 2006 – Museum Butterfly Garden constructed
- 2008 – Kathy Wright retires

- 2009 –New museum Executive Director is hired.
- 2012 – Plantation Foundation and Museum begin merger with Chippokes Plantation State Park

Powhatan Progress

POWHATAN OPERATING AND STAFFING REQUIREMENTS

PHASE 1	PHASE 2	PHASE 3	FULL BUILD OUT
STAFFING	STAFFING	STAFFING	STAFFING
Park Manager			Park Manager
		Asst. Park Manager	Asst. Park Manager
Chief Ranger			Chief Ranger
	Education Specialist		Education Specialist
Park Ranger (2)	Park Ranger (2)		Park Ranger (4)
Prog. Support Tech.			Prog. Support Tech.
SALARY TOTAL	SALARY TOTAL	SALARY TOTAL	SALARY TOTAL
\$239,039	\$123,573	\$48,537	\$411,149
WAGE TOTAL	WAGE TOTAL	WAGE TOTAL	WAGE TOTAL
\$52,939	\$90,856	\$99,266	\$243,061
OTPS TOTAL	OTPS TOTAL	OTPS TOTAL	OTPS TOTAL
\$49,310	\$80,778	\$126,852	\$256,940
ANNUAL OPERATING COSTS	ANNUAL OPERATING COSTS	ANNUAL OPERATING COSTS	ANNUAL OPERATING COSTS
\$341,288	\$295,207	\$274,655	\$911,150
ONE TIME COSTS*	ONE TIME COSTS*	ONE TIME COSTS*	ONE TIME COSTS*
\$241,996	\$126,560	\$67,326	\$435,882
TOTAL COSTS	TOTAL COSTS	TOTAL COSTS	TOTAL COSTS
\$583,284	\$421,767	\$341,981	\$1,347,032

NOTE – All costs (salary, wage, OTPS (Other than Personnel Services), One time) are based on FY06 budget projections.

* One-time operational expenses for vehicles, tractors, mowers, weed eaters, communications equipment, and other equipment associated with new staff and facility operations.

Virginia State Parks Mobile App

Made possible by public private partnerships

Developed collaboratively between DCR and ParksByNature

The free app provides useful functions including access to educational and interpretive information

Advanced GPS mapping technology allows park visitors to mark, record, and share their trail blazes, explorations, and discoveries

Photo waypoint feature allows visitors to snap pictures and mark the coordinates of highlights from their visits, such as animals and natural features, and then share them with the click of a button

Master Plan Updates

Chippokes Plantation State Park

Mr. Conkle presented a proposed amendment to the master plan for Chippokes Plantation State Park.

In 1968, Stanley Abbott, FASLA, prepared the original Chippokes Master Plan to guide the development of the park. Phase I plans for park development were prepared by the same consultants in 1972. Subsequently, a revised master plan for Chippokes Plantation State Park was adopted on May 16, 2000, by Department of Conservation and Recreation Director David Brickley. The plan was later amended and then adopted on November 14, 2006, by DCR Director Joseph H. Maroon. The plan was updated again and subsequently adopted on December 20, 2011, by DCR Director David A. Johnson.

The purpose of this amendment is to recognize the action taken by the 2012 General Assembly to merge the Chippokes Plantation Farm Foundation into Chippokes Plantation State Park and to eliminate the Board of Trustees of the Chippokes Plantation Farm Foundation.

Mr. Conkle said there were no changes to the development of the physical master plan for the park.

Caledon Natural Area

Mr. Conkle presented the proposed amendment to the master plan for Caledon Natural Area.

The first master plan for Caledon Natural Area was adopted on December 29, 1998, by Department of Conservation and Recreation Director David G. Brickley. The plan was later updated and then adopted on December 16, 2004, by DCR Director Joseph H. Maroon. The plan was updated again and subsequently adopted on March 22, 2011, by DCR Director David A. Johnson.

The current amendment, as depicted in the master plan map, includes:

- Expanding bike/hike access within the park;
- Adding a canoe/kayak landing with five campsites and a vault toilet;
- Adding 12 hike-in only campsites with a vault toilet;
- Modifying Caledon's 1000 foot No Boating Zone to a 1000 foot No Motorized Boating Zone;

- Adding a small picnic area with a vault toilet near Boyd's Hole; and
- Officially naming the property Caledon State Park.

MOTION: Ms. Mason moved that the Board of Conservation and Recreation recommend that the DCR Director approve amendments to the master plans for Chippokes Plantation State Park and Caledon Natural Area as presented by DCR staff.

SECOND: Mr. Wilkinson

DISCUSSION: Mr. Apicella asked about the criteria for moving from a natural area to a state park.

Mr. Elton said that this was the first time this particular renaming had happened. He said that initially Pinnacles Natural Area was intended to be a state park but in consultation with the wildlife center it was believed to be reasonable to make it a natural area.

Mr. Elton said that when Caledon Natural Area was established there was concern for the eagle population. The eagle population has been significantly restored and it has been determined that the presence of humans is not problematic for the eagles.

Mr. Conkle said that the transition could be made fairly quickly. He noted that the full master plan for the park would be update din 2014.

VOTE: Motion carried unanimously

Election of Officers

Mr. Smith turned the chair to Ms. Mason for the purpose of the election of officers.

Mr. Watts moved and Mr. Wilkerson seconded that Mr. Smith be elected to another term as chairman and Mr. Wingo to another term as vice chairman. There were no further nominations and the motion carried.

Virginia Scenic Rivers

Ms. Crump gave a presentation about the Virginia Scenic Rivers program. A full copy of her presentation is available on the DCR website.

Program Purpose:

- Identify and protect *significant* river resources
- (Va Code “*superior* natural and scenic beauty, fish and wildlife, and historic, recreational, geologic, cultural, and other assets”)

Program Direction

- Commitment to resource protection
- Accommodate necessary use & development

History

- Virginia Scenic Rivers Act passed by General Assembly in 1970
- Currently 28 rivers/segments totaling 656 + miles
- 20 segments rivers - found to qualify for designation
- Over 62 segments - identified as worthy of evaluation
- 4 designated 2010 & 2 extensions in 2011

Supporting Code

- 1970 Original Act
- 2003 Update
- 2012 Restructure

The Scenic River System:

- Diverse:
 - Mountain [10]
 - Piedmont [12]
 - Coastal [6]
- System has 28 river segments & more than 656 river miles
- 2010 .A. - Jordan, Hughes, Blackwater & Russell Fork
- 2011 – G. A. extensions – Nottoway& Appomattox

Additional Pending designations:

- New – (awaiting community support)

Designation Study Requests:

- Dan River in Danville
- Bannister in Halifax County & Town
- Meherrin in Mecklenburg and Lunenburg Counties

Future (to be evaluated):

- Mattaponi
- Pamunkey
- Middle James

River Resource Protection

- Relies on *individual* riparian property owner
- Scenic River Act *does not* authorize any additional restrictions on riparian land uses.
- Is voluntary, with the cooperation and support of local & state government

Benefits of Designation

- **Encourages:**
 - protection and preservation
 - closer review of projects by state & local agencies
 - FERC reviews of hydro or related project proposals
- **Requires**
 - DCR to administer
 - General Assembly authorization for dams
- **Enhances** opportunities for funding
- **Provides:**
 - opportunities to **consider scenic & other resources** in planning & design
 - continued **existing riparian land uses**
 - eligibility for **land use tax** considerations, **if** locally adopted
 - framework for **appointment** of a local Scenic River Advisory **Committee**.
- **Allows** project review & monitoring by Virginia Scenic River Board.
 - **Supports Land Conservation** through
 - Virginia Land Conservation Foundation
 - Conservation Land Tax Credit
 - Virginia Outdoors Foundation

NO Dam construction

Designation DOES NOT:

- Authorize condemnation of land for access (Eminent Domain prohibited).
- Impose land use controls
- Affect rights of riparian landowners
- Allow public use of private property
- Enact federal controls, rules, or regulations
- Affect tributary streams
- Promote increase in recreational use

Riparian Uses permitted by law, shall not be restricted

Evaluation Occurs When Requested By:

- the State Scenic River Advisory Board
- the General Assembly
- a locality letter

Minimum Study Requirement:

1. Minimum five (5) miles long
2. Recognized in a VA canoeing guide OR public access along its course
3. An identifiable beginning and ending

Designation Process

1. Evaluate River
 - A. Request
 - B. Map & literature surveys
 - C. Field evaluation
 - D. 13 eligibility criteria

Field Evaluation Criteria

- Stream Corridor Vegetation
- Streambed and/or stream flow modifications
- Human Development of Visual Corridor
- Historic Features
- Landscape
- Quality of Fishery
- Rare, Threatened, or Endangered Species
- Water Quality
- Parallel Roads
- Crossings
- Special Features Affecting the Aesthetics
- Recreation
- Land Conservation

2. Report preparation for the Va Scenic River Board for advisory review
3. Copies provided to citizen/governing bodies with “boiler plate” legislation to local governing body
4. Legislation introduced by local member of the General Assembly
5. Passage of legislation & Governor’s signature

Extension Process

- Request to study the extension

- Field study to be done with full leaf cover; using same evaluation criteria as full designation
- Memo to the local jurisdiction & other interested parties indicating qualification of the extension
- The locality will then go through their legislative representatives to ask for *an amendment* to the current legislation
- Same advantages and restrictions as full designation

Once Designated

- Post designation management/ protection
- Periodic survey of the river corridor

Powers of local governments

- with the Director, can appoint a local scenic river advisory committee

The Department may:

- Enter into contracts as necessary
- Accept gifts of real & personal property, endowments, funds, & grants.
- Conduct fund-raising activities related to river issues.
- Department may review & make recommendations to all federal, state and local agencies regarding planning for use and development of water and related resources

Virginia Scenic River Board

- A 15-member board appointed by the Governor with statewide representation
- Role to:
 - Advise on appointees to committees
 - Make recommendations on designations
 - Comment on proposed plans & corridor use
 - Assist in preserving the river values & natural resources
 - Advise & assist localities on river corridors
 - Promote & Educate about the program

40th Anniversary Achieved Goals

- Designated 4 river sections
- General Assembly Photo Exhibit
- Hosted commemoration event on James River
- Connected w/ local partners
- Got media attention
- Scenic Virginia held a scenic river photo contest

Scenic River Contacts

- Web-<http://www.dcr.virginia.gov/prt/srmain.htm>
- DCR Administrative Staff Lynn Crump, (804)786-5054
Lynn.Crump@dcr.virginia.gov

Planning and Recreation Resources Update

Ms. Poole gave the Planning and Recreation Resources update.

2013 Virginia Outdoors Plan

Virginia's 10th Statewide Comprehensive Outdoor Recreation Plan (SCORP)

Recap of Survey and Summary of Public Meetings

Ms. Poole gave a summary of the survey. The most popular activities remain walking for pleasure, visiting historic sites and visiting state parks. A full copy of the results of the survey is available from DCR.

Survey Summary

- Wide range in participation for outdoor recreation activities
- Importance of state park facilities
- Strong support for public purchase, management and access to natural areas and open space

Progress since December

- Survey posted to DCR website
- 42 Public meetings in 21 PDCs
 - Approx. 480 citizens attended
- Over 500 additional public comments received through April 6

Public Comments/ Interests

- Trails! (land & water, greenways, rail, equestrian, etc)
- Public access to waterways/ more water trails
- Connectivity of trails to communities/ encourage trail-friendly businesses
- Improving economic vitality of communities through recreation-related tourism
- Development of land-banked state parks
- More state parks (Clinch River, Highland county, Eastern Shore, south side, Appomattox River)
- More access to recreational opportunities/ public lands (esp. federal lands)

Steps in Planning Process

- Assess implementation of 2007 VOP
- Update outdoor recreation inventory
- Conduct Virginia Outdoors Survey
- Engage Technical Advisory Committee
- Conduct statewide public meetings (42 total)
- Meet with state and federal agencies
- Plan follow-up Webinar input sessions

Grants

LWCF

- 20 applications received requesting \$2,621,371
- Represent project total cost of \$6,675,327
- Approx. \$1 million available
- Projects currently under review

RTP

- Grant cycle closed April 13
- Approx. \$1.4 million available

Open Space Recreation Fund (Tax Check-off)

- Approx. \$245,000 available
- Lawrence Lewis Park boat ramp \$65,000
- Balance to unfunded projects from above

Trails

Workshop series—Land trails/ Water trails

- ADA workshop in Fairfax in March
 - 61 participants
 - Information timely and appreciated, presentations and transcript of Q&A will be posted on DCR's trails web page
- Water Trails workshop under development in cooperation with NPS RTCA program—possibly in fall

Design & Construction

PROJECT COMPLETION

- Occoneechee Marina \$2M
- High Bridge Trail- High Bridge \$2M
- Westmoreland Tornado Damage
 - 5 structures substantially complete

ONGOING PROJECTS

- Powhatan State Park – Phase I Development

- 2.5 Miles of Road and Utilities
 - 2 Residences
 - Picnic Area and Bathhouse
 - Maintenance Compound
 - Office and Contact Station
 - \$7.5M Total Budget
 - Scheduled for Completion – Jan. 2013
- New River Trail Development
 - Stabilization of Hotel
 - Maintenance Compound
 - Office Renovation
 - Twin Lakes Dam Repairs
 - Tower / Gates Upgrades
 - Tree Removal

Other Business

There was no other business.

Public comment

There was no further public comment.

Future meeting dates

Thursday, July 19

Thursday, October 18

A member suggested that moving the meetings to either a Friday or Monday might be helpful for attendance. Mr. Smith said that he would work with staff in that regard.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Mark E. Smith
Chairman

David A. Johnson
DCR Director

Attachment #1

**Virginia Department of Conservation and Recreation
2012 Legislative Session Update [Legislation and Budget]
April 23, 2012**

LEGISLATION OVERVIEW

State Parks

- **HB240 (Cline) - Amherst County; conveyance of certain property by Department of Conservation and Recreation. AGENCY BILL**

This bill authorizes the Department of Conservation and Recreation to transfer state owned land upstream of James River State Park to Amherst County. Currently, the 31-acre parcel is rented to Amherst County in a long-term lease as a local park that provides access to and protection of the James River. The County would be required to maintain the property and to keep it open to the public for recreational use or the property will revert back to the Department.

Status: Approved by Governor- Acts of Assembly Chapter text (CHAP0014)
(effective 07/01/12)

- **HB522 (Farrell) - Statewide system of trails; use of wheelchairs or other power-driven mobility devices permitted. AGENCY BILL**

This bill would allow for the use of wheelchairs or power driven mobility devices by disabled individuals on the statewide system of trails in compliance with the federal Americans with Disabilities Act provided that the user can provide credible assurance that the mobility device is required because of person's disability in accordance with the federal Americans with Disabilities Act and other applicable state and federal laws.

Currently, the use of any motorized vehicles by the public along any of the scenic, recreation, connecting trails or side trails is prohibited within the Code. It also contains a provision authorizing the use of electric power-assisted bicycles and electric personal assistive mobility devices on any bicycle path or trail designated by the Department of Conservation and Recreation for such use, provided such allowance is in accordance with applicable state and federal law.

Status: Approved by Governor- Acts of Assembly Chapter text (CHAP0598)
(effective 07/01/12)

- **HB1113 (Toscano) - Biscuit Run; DCR to negotiate land exchange of certain acres in Albemarle County.**

This legislation would authorize the Department of Conservation and Recreation to negotiate an exchange of parcels of land it owns within Biscuit Run State Park for interest in adjacent property owned or acquired for the purposes of the exchange by a private company in Albemarle County, Virginia.

In the fall, Habitat for Humanity of Greater Charlottesville presented to the Department of Conservation and Recreation a land exchange proposal that they characterized would benefit all parties. The Department acknowledged that the exchange concept had merit and if the details could be worked out it could result in a win-win-win collaboration. Accordingly, the transaction authorized by the legislation when fully implemented, would create an opportunity for Habitat to begin eliminating old house trailers and replacing them with modern, efficient, affordable housing units; provide for the protection of streams and wildlife habitat for Biscuit Run State Park; and result in Albemarle County obtaining land for recreational fields for the County Park System.

The transaction is a complicated legal process that will require the mutual agreement of all parties and the exchange will have to be approved by the Governor, the acreage and boundaries by the Director of Department of General Services, and in a form approved by the Attorney General. Additionally, the Biscuit Run deed has some restrictive language that will require a judicial review.

As a portion of the costs associated with purchasing the Biscuit Run State Park property was funded through a VDOT grant, the legislation also contains provisions that stipulate that VDOT shall review and concur that the property being received complies with all applicable federal requirements for conversion of property acquired with federal funds.

Status: Approved by Governor- Acts of Assembly Chapter text (CHAP0663)
(effective 07/01/12)

Government Reorganization

- **HJ49 (Gilbert) and SJ66 (McDougle) - Governor's Executive Reorganization Plan; approval by each house of General Assembly. [Conference substitute versions]**

Sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly and subject to the enactment of a bill by the 2012 Session of the General Assembly. The resolution sets out the pertinent details of the plan. [Note: Represents a "sense of the General Assembly" but specifics must be enacted through separate legislation.]

DCR related items include:

Chippokes (proposed)

29. Merge the Chippokes Plantation Farm Foundation and Board of Trustees.

The Chippokes Plantation Farm Foundation should be merged into the Chippokes Plantation State Park and the Board of Trustees should be merged into the Board of Conservation and Recreation.

The Chippokes Plantation Farm Foundation, which operates the Chippokes Plantation Farm and Forestry Museum, is a separate state agency and is overseen by a Board of Trustees. The Foundation operates within the boundaries of Chippokes Plantation State Park which is managed by the Department of Conservation and Recreation Division of State Parks. Consolidating this small agency and its farm and forestry museum into the state park will create efficiencies and savings.

The Chippokes Plantation Farm Foundation provides many of the same functions at Chippokes Plantation State Park as the park staff. It creates confusion for the public in terms of who has responsibilities for activities. DCR's state parks system is recognized nationally as one of the nation's best managed and most successful systems. This merger will enable this small agency to benefit from DCR and the state park system's available resources and shared services rather than handling operational functions on its own. It will result in simplified planning and coordination and more efficient operations throughout the Park. The existing code requirements for the continuation and preservation of the model farm will remain in place.

For several years, the Foundation has had little fundraising actions taken aside from revenue tied to entrance fees (a share of the state park parking fee), gift shop proceeds, and other events. According to DCR, the Foundation has not historically raised any significant funds and this year any funds were negligible. The Board of Conservation and Recreation (BCR) has the same fundraising authorities as the Chippokes Plantation Farm Foundation, so the BCR can handle those duties upon elimination of the Foundation Board. No fundraising ability will be jeopardized by this action.

This merger was a recommendation of Governor Warner's Commission on Efficiency and Effectiveness in 2002. This merger was a recommendation of the Commission on Government Reform and Restructuring in 2010 and 2011.

Scenic River (proposed)

30. Merge Virginia Scenic River Board into Board of Conservation and Recreation.

The Virginia Scenic River Board should be eliminated, and its duties to advise the Governor and the Director concerning the protection and management of the Virginia Scenic Rivers System should be absorbed by the Board of Conservation and Recreation.

The Virginia Scenic River Board has no regulatory authority and its only duties are to advise the Governor and Director on issues related to the Virginia Scenic Rivers System. These duties can be absorbed into the Board of Conservation and Recreation with the continued support of the Department of Conservation and Recreation staff.

Status: Conference report agreed to by House and Senate

- **HB1291 (Gilbert) and SB678 (McDougle) Governor's reorganization of executive branch of state government. [Enrolled version]**

Reorganizes the executive branch of state government and certain local transportation entities. The bill contains numerous technical amendments to accomplish this reorganization.

DCR related items include:

Chippokes (final)

Abolishes the Chippokes Plantation Farm Foundation and transfers any interests in any real or tangible personal property of the Foundation to the Department of Conservation and Recreation.

When the actual legislation was introduced to eliminate the Foundation, the powers of the Board were eliminated and were not transferred to the Board of Conservation and Recreation. The actions taken are as follows:

90. That §§ 2.2-215 and 2.2-4343 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-215. Position established; agencies for which responsible.

The position of Secretary of Natural Resources (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of Game and Inland Fisheries, ~~Chippokes Plantation Farm Foundation~~, Virginia Museum of Natural History, Council on Indians, and the Department of Environmental Quality. The Governor may, by executive order, assign any state executive agency to the

Secretary of Natural Resources, or reassign any agency listed above to another Secretary.

§ 2.2-4343. Exemption from operation of chapter for certain transactions.
(Virginia Public Procurement Act)

A. The provisions of this chapter shall not apply to:.....

~~18. The Board of the Chippokes Plantation Farm Foundation in entering into agreements with persons for the construction, operation, and maintenance of projects consistent with the Chippokes Plantation State Park Master Plan approved by the Director of the Department of Conservation and Recreation pursuant to the requirements of § 10.1-200.1 and designed to further an appreciation for rural living and the contributions of the agricultural, forestry, and natural resource based industries of the Commonwealth, provided such projects are supported solely by private or nonstate funding.~~

.....

91. That Article 4 (§§ 10.1-217.1 through 10.1-217.6) of Chapter 2 of Title 10.1 of the Code of Virginia is repealed.

92. That, on and after July 1, 2012, the Department of Conservation and Recreation shall be the successor in interest in matters related to the duties, responsibilities, and functions of the Chippokes Plantation Farm Foundation. All right, title, and interest in and to any real or tangible personal property vested in the Chippokes Plantation Farm Foundation shall be transferred to and taken as standing in the name of the Department of Conservation and Recreation.*

Scenic River (final)

Eliminates the Virginia Scenic River Board and transfers its duties to the Board of Conservation and Recreation.

93. That §§ 10.1-107 and 10.1-400 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-107. General powers and duties of the Board.

A. The Board shall advise the Governor and the Director on activities of the Department. Upon the request of the Governor, or the Director, the Board shall institute investigations and make recommendations.

The Board shall formulate recommendations to the Director concerning:

1. Requests for grants or loans pertaining to outdoor recreation.
2. Designation of recreational sites eligible for recreational access road funds.
3. Designations proposed for scenic rivers, scenic highways, and Virginia byways.
4. Acquisition of real property by fee simple or other interests in property for the Department including, but not limited to, state parks, state recreational areas, state trails, greenways, natural areas and natural area preserves, and other lands of biological, environmental, historical, recreational or scientific interest.
5. Acquisition of bequests, devises and gifts of real and personal property, and the interest and income derived therefrom.

6. Stage one and stage two plans, master plans, and substantial acquisition or improvement amendments to master plans as provided in § 10.1-200.1.

B. The Board shall have the authority to promulgate regulations necessary for the execution of the Public Beach Conservation and Development Act, Article 2 (§ 10.1-705 et seq.) of Chapter 7 of this title.

C. The Board shall assist the Department in the duties and responsibilities described in Subtitle I (§ 10.1-100 et seq.) of Title 10.1.

D. The Board is authorized to conduct fund-raising activities as deemed appropriate and will deposit such revenue into the State Parks Projects Fund pursuant to subsection C of § 10.1-202.

E. The Board shall advise the Governor and the Director concerning the protection or management of the Virginia Scenic Rivers System as defined in § 10.1-400. Upon the request of the Governor, or the Director, the Board shall institute investigations and make recommendations. The Board shall have general powers and duties to (i) advise the Director on the appointment of Scenic River Advisory Committees or other local or regional committees pursuant to § 10.1-401; (ii) formulate recommendations concerning designations for proposed scenic rivers or extensions of existing scenic rivers; (iii) consider and comment to the Director on any federal, state, or local governmental plans to approve, license, fund, or construct facilities that would alter any of the assets that qualified the river for scenic designation; (iv) assist the Director in reviewing and making recommendations regarding all planning for the use and development of water and related land resources including the construction of impoundments, diversions, roadways, crossings, channels, locks, canals, or other uses that change the character of a stream or waterway or destroy its scenic assets, so that full consideration and evaluation of the river as a scenic resource will be given before alternative plans for use and development are approved; (v) assist the Director in preserving and protecting the natural beauty of the scenic rivers, assuring the use and enjoyment of scenic rivers for fish and wildlife, scenic, recreational, geologic, historic, cultural, or other assets, and encouraging the continuance of existing agricultural, horticultural, forestal and open space land and water uses; (vi) advise the Director and the affected local jurisdiction on the impacts of proposed uses of each scenic river and its related land resources; and (vii) assist local governments in solving problems associated with the Virginia Scenic Rivers System, in consultation with the Director.

§ 10.1-400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the ~~Virginia Scenic River Board~~ Board of Conservation and Recreation.

"Department" means the Department of Conservation and Recreation.

"Director" means the Director of the Department of Conservation and Recreation.

"River" means a flowing body of water, or a section or portion thereof.

"Scenic river" means a river or section or portion of a river that has been designated a "scenic river" by an act of the General Assembly and that possesses superior natural and scenic beauty, fish and wildlife, and historic, recreational, geologic, cultural, and other assets.

"Virginia Scenic Rivers System" means those rivers or sections of rivers designated as a scenic river by an act of the General Assembly.

94. That § 10.1-406 of the Code of Virginia is repealed.*

Other (final)

Moves the responsibility of providing environmental education programs from the Department of Environmental Quality to the Department of Conservation and Recreation.

Moves the Municipal Separate Storm Sewer System (MS4) Program from the Virginia Soil and Water Conservation Board to the State Water Control Board. The bill has to be reenacted to become effective; except that the assessment by the Secretary of Natural Resources of the water quality programs of the Commonwealth can begin July 1, 2012.

“That the Secretary of Natural Resources, working with the Directors of the Department of Environmental Quality and the Department of Conservation and Recreation, shall assess the organization of water quality programs in the Commonwealth and report his findings to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by no later than November 1, 2012. As part of this assessment the Secretary of Natural Resources shall consider organizational measures that may streamline water quality permitting in the Commonwealth as well as changes that may provide for improved long-term and strategic planning for water quality improvements.”

Eliminates the Foundation for Virginia's Natural Resources.

Status: Re-Enrolled; Signed by Speaker; Signed by President

Land Conservation

- **HB336 (Wilt) - Virginia Land Conservation Fund; distribution of revenues. SECRETARIAL BILL**

This legislation provides that in distributing the revenues in the Virginia Land Conservation Fund generated by the sale of land conservation tax credits, funds shall not be distributed to federal governmental entities. Currently, § 58.1-513C.2 directs this fund to be disbursed for the stewardship of conservation easements to all public or private conservation agencies and land trusts that are responsible for monitoring and enforcement of easements recorded in Virginia within the past three years. This bill would exclude federal agencies from that list of eligible entities.

In conversations with staff from a federal agency regarding the potential impacts of this bill, DCR became aware that the federal agencies would not be able to utilize the funds for their intended purpose, but would have to submit the funds to the U.S. Treasury.

Status: Approved by Governor- Acts of Assembly Chapter text (CHAP0232)
(effective 07/01/12)

Stormwater Management

- **HB1065 (Sherwood) and SB407 (Hanger) - Erosion & Sediment Control, Stormwater, & Chesapeake Bay Preservation Acts; integration of programs. GOVERNOR's BILL**

Integrates elements of the Erosion and Sediment Control Act, the Stormwater Management Act, and the Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for those being regulated. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board.

- This Governor's Bill builds on previous General Assembly efforts to develop local stormwater management programs and eliminates the need for duplicate local and state implementation of programs.
- It is a government streamlining bill that is both good for business and the environment and leaves control for construction activities at the local level.
- Passage of this legislation will enhance the state's ability to protect its waters from harmful stormwater runoff by integrating three existing programs (the Erosion and Sediment Control Law, Stormwater Management Act and Chesapeake Bay Preservation Act) and creating a comprehensive locally implemented stormwater management program. The bill does not expand the Chesapeake Bay Act.
- Program compliance will increase with no expansion of regulatory requirements.
- This legislation also provides clarity to the construction and development community in seeking permits and provides for one set of standards.
- Every locality is already operating an Erosion and Sediment Control Program and these additional stormwater elements will complement those existing programs on a statewide basis often without the need for additional staff.
- Overall this bill will lead towards better compliance through a streamlined process.
- It is important to note that the program is designated to be funding-neutral for localities:
 - Localities keep fees to cover implementation

- The fees were set based on a cost analysis and were developed with a stakeholder committee that included significant local government participation
 - Localities can request a fee increase if inadequate
 - In the Governor's budget is funding for local program development assistance
 - DCR has promised to work with localities in developing geographical solutions that will ensure program success and further reduce local costs
- DCR is committed to providing technical assistance, training, and program guidance to localities.

Status: Re-Enrolled; Signed by Speaker; Signed by President.

- **HB176 (Knight) and SB77 (Watkins) - Nutrient credit; expansion of exchange program, procedures for certification, etc.**

In order to meet the goals of the Chesapeake Bay Watershed Implementation Plan, and other TMDLs statewide, this legislation is intended to expand the Nutrient Credit Exchange Program. This bill (i) amends the State Water Control Act; (ii) amends current law regarding stormwater nonpoint nutrient offsets; (iii) establishes the Nutrient Trading Act; and (iv) contains enactment clauses. The bill allows the Virginia Soil and Water Conservation Board and the State Water Control Board to adopt regulations governing the certification of specified nutrient credit types and sets out certain requirements of the regulations. It also permits the Department of Conservation and Recreation to establish an online registry of certified credits.

Nonpoint credits established by the Virginia Soil and Water Conservation Board would include credits generated from agricultural and urban stormwater best management practices, incineration or management of manures, land use conversion, stream or wetlands restoration, shellfish aquaculture, algal harvesting, and other established or innovative methods of nutrient control or removal. Point source credits established by the State Water Control Board would include credits generated from activities associated with the types of facilities or practices historically regulated by the Board, including but not limited to water withdrawal and treatment and wastewater collection, treatment, and beneficial reuse.

The legislation also allows municipal separate storm sewer systems to acquire, use, and transfer credits under certain specified conditions.

Status: Re-Enrolled; Signed by Speaker; Signed by President

BUDGET OVERVIEW**Item 361 #1c**

Natural Resources	FY 12-13	FY 13-14	
Department Of Conservation And Recreation	\$575,000	\$575,000	GF
	(\$450,000)	(\$450,000)	NGF
	3.00	3.00	FTE

Language:

Page 269, line 37, strike "\$55,633,252" and insert "\$55,758,252".

Page 269, line 37, strike "\$55,633,252" and insert "\$55,758,252".

Explanation:

(This amendment eliminates \$450,000 in proposed fee increases proposed for Virginia's state parks in the Governor's introduced budget and restores an equivalent amount in general fund support. Virginia has historically charged fees for cabin, campsites, and parking that are higher than the fees charged in surrounding states. In addition, the amendment includes \$125,000 in additional general fund support to restore a portion of the seven state parks positions eliminated in the introduced budget. These positions were approved by the General Assembly during its 2011 Session.)

- **Supplant general fund appropriation with revenue generated by increasing park service fees**

Supplants general fund appropriation supporting agency operating costs with increased revenue from targeted increases to state park fees. State park fees are adjusted periodically to reflect market and user demands.

	FY 2013	FY 2014
General Fund	\$ (450,000)	\$ (450,000)
Nongeneral Fund	\$ 450,000	\$ 450,000

- **Eliminate currently vacant positions**

Eliminates vacant positions within the Department of Conservation and Recreation: one in the administrative service area, four in the stormwater division, seven in the state park division, and one in the design and recreation division. None of these positions are currently filled and all have been vacant for several years.

	FY 2013	FY 2014
General Fund	\$ (650,000)	\$ (650,000)
Authorized Positions	\$ (13)	\$ (13)

Item 361 #2c

Natural Resources	FY 12-13	FY 13-14	
Department Of Conservation And Recreation	\$500,000	\$500,000	GF

Language:

Page 269, line 37, strike "\$55,633,252" and insert "\$56,133,252".

Page 269, line 37, strike "\$55,633,252" and insert "\$56,133,252".

Page 270, line 20, strike "\$500,000" and insert "\$1,000,000".

Page 270, line 21, strike "\$500,000" and insert "\$1,000,000".

Explanation:

(This amendment provides an additional \$500,000 in general fund support each year for the Virginia Land Conservation Foundation, increasing funding for open-space preservation from \$500,000 per year to \$1,000,000 per year.)

Item C-38.10 #1c

Central Appropriations	FY 12-13	FY 13-14	
Central Capital Outlay	\$19,500,000	\$0	GF
	\$83,654,056	\$0	NGF

Language:

Page 382, after line 10, insert:

"C-38.10. Capital Outlay Project Pool	\$103,154,056	\$0
Fund Sources: General	\$19,500,000	\$0
Dedicated Special Revenue	\$10,285,200	\$0
Bond Proceeds	\$73,368,856	."

"A. 1. The capital projects in paragraph B. of this item are hereby authorized and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23-30.24 et seq., Code of Virginia, or the Virginia Public Building Authority pursuant to § 2.2-2263, Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principle amounts will not exceed \$73,368,856 plus amounts to fund related issuance costs, and other financing expenses, in accordance with § 2.2-2263 of the Code of Virginia.

2. From the list of projects included in paragraph B of this item, the Director of the Department of Planning and Budget shall provide the Chairmen of the Virginia College Building Authority and the Virginia Public Building Authority with the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limit established by this authorization.

3. Debt service on the projects contained in this item shall be provided from appropriations to the Treasury Board.

4. The appropriations for said capital projects are contained in this item and are subject to the conditions in § 2-0 F of this act.

B. The General Assembly hereby appropriates \$19,500,000 from the general fund and \$10,285,200 from nongeneral fund sources in the first year for the projects listed in this section.

Agency	Project Title
Department of Conservation and Recreation	Repairs and Upgrades to State Park Owned Dams
Woodrow Wilson Rehabilitation Center	Roof Replacement Birdsall-Hoover Medical

Woodrow Wilson Rehabilitation Center Woodrow Wilson Rehabilitation Center	Administration Building 805 Asbestos Abatement, Phase 4 of 4 Implement ADA Compliance Measures - Campus Wide
Virginia Museum of Fine Arts Department for the Blind and Vision Impaired	Replace Roof 1985 Addition Replace Roof on Library Resource Center
Department of Corrections Department of Corrections Department of Corrections Department of Corrections Department of Corrections	Replace Mechanical Systems Baskerville Replace Plumbing Systems Baskerville Roof Replacement Keen Mountain Roof Replacement Lawrenceville HVAC Replacement Lawrenceville
Department of General Services Department of General Services	Renovate Consolidated Labs Capital Projects Space Improvement for Dept. of Conservation and Recreation
Department of General Services	Monroe Building Exterior Repairs and Jefferson Building Window Replacement
Department of Veterans Services	Virginia War Memorial / DVS Offices and Parking
Jamestown-Yorktown Foundation	Yorktown Outside Areas, Signage and Amenities
Jamestown-Yorktown Foundation	Road Wall and Sound Buffer
Roanoke Higher Education Authority	Waterproof Building
Virginia Museum of Fine Arts	Replace Roof 1985 Addition
Virginia School for the Deaf and Blind	Install Sprinklers in Byrd Hall
Virginia School for the Deaf and Blind	Improve Campus Security, ADA and Other Regulatory Compliance
Virginia Workers' Compensation Commission	Acquire New Headquarters Building
College of William and Mary	Construct Cooling Plant and Replace Utilities, Phase IV
College of William and Mary	Renovate the Brafferton and Brafferton Kitchen
College of William and Mary	Improve Accessibility Infrastructure
College of William and Mary	Improve Lake Matoaka Dam Spillway
College of William and Mary	Improve Campus Stormwater Infrastructure
Longwood University	New Biomass Boiler
Longwood University	Replace Willett Hall HVAC
George Mason University	Hylton Center
Old Dominion University	Replace Mechanical Systems in the Oceanography and Physics Building
Virginia Tech	Address Fire Alarm Systems and Access
University of Mary Washington	Improve Stormwater Management
James Madison University	Replace Boiler & Infrastructure - Phase 2
James Madison University	Newman Lake Dam Repair
Richard Bland University	Umbrella Maintenance Project
University of Virginia at Wise	Dam Safety Modifications".

Explanation:

(This amendment provides \$19.5 million of general fund, \$73.4 million from bonds and \$10.3 million from nongeneral funds to execute 37 capital outlay projects.)

Item C-39.05 #1c

Central Appropriations	FY 12-13	FY 13-14	
Central Capital Outlay	\$0	\$0	GF
	\$41,493,729	\$0	NGF

Language:

Page 383, after line 51, insert:

"C-39.05. Detail Planning for Capital Projects \$41,493,729 \$0

Fund Sources: Dedicated Special Revenue \$15,425,911 \$0

Higher Education Operating \$26,067,818 \$0."

"A. The following projects shall be funded for detailed planning entirely from amounts in the Central Capital Planning Fund established under § 2.2-1520 of the Code of Virginia.

Agency Code	Agency	Project Title
146	Science Museum of Virginia	Construct Event Space and Upgrade Museum Exhibits
194	Department of General Services	Renovation of the 9th Street Office Building and Parking Deck
199	Department of Conservation and Recreation	Complete Phase I Development, Powhatan State Park
203	Woodrow Wilson Rehabilitation Center	Renovate Dining Hall and Activities Building, Phase II
203	Woodrow Wilson Rehabilitation Center	Renovate Anderson Vocational Training Building, Phase I
425	Jamestown-Yorktown Foundation	Yorktown Outside Areas, Signage and Amenities
778	Department of Forensic Science	Expand Western Virginia Forensic Laboratory and Office of the Chief Medical Examiner Facility

B.....

2. Projects for all comprehensive and two-year institutions except for James Madison University and Virginia Military Institute shall be funded 50 percent from the central planning fund and 50 percent from higher education nongeneral fund sources. All projects for other public colleges and universities shall be funded entirely from higher education nongeneral fund sources. All other projects shall be funded entirely from central planning funds. However, all nongeneral funds used by either state agencies or public colleges and universities to conduct authorized project planning shall be reimbursed upon approval of construction funding, to advance the project."

Explanation:

(This amendment provides funding to conduct detailed planning for 32 projects. In addition, the item sets out the second group of projects that will proceed once the 32 projects authorized for detailed planning move into the construction phase.)